

Official Receipt
COUNTY OF KAUAI
DEPARTMENT OF PUBLIC WORKS
Lihue, Kauai, Hawaii

19742

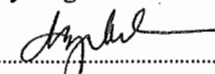
\$ 15,200-00 March 22, 20 22

Received from MP Financial Group, Ltd.
— Fifteen thousand two hundred & 00/100 — Dollars

on deposit for

in payment of grading permit 22-0716
Travelers Casualty and Surety Co. of America #107542532
\$ 1,520,000.00

Office of the County Engineer



Authorized Signature

Job No.

APPLICATION AND PERMIT FOR
GRADING

Application is hereby made to do grading work in conformity with Ordinance No. 808

Location 5425 Pau a Laka St Tax Map Key

4	2	8	14	32
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Zone _____ Sec _____ Plat _____ Parcel _____ Lot _____
Lot Area 1,034,985.6 Sq. ft. Graded Area: 1,034,985.6 (Sq. Ft) Overall Dimensions _____
23.76 acres (Acres)

Description of Soil: _____ Estimated Quantity: _____
Fill Material engineered soil Fill Cu. Yds. 61,575 cy
Existing Ground Silty soil Excav. Cu. Yds. 38,503 cy
Estimated Starting Date 2/14/22 2022 Estimated Completion Date 1/30/22 2026

Remarks: _____

Owner 5425 Pau a Laka LLC Address 1801 Tiburon Blvd. Ste 800, Tiburon, CA 94920 Phone 808-990-5603
Engineer Esaki Surveying & Mapping Address 1610 Halea Kana St. Lihue, HI 96768 Phone 808-246-0625
Contractor EXHAWORKS PACIFIC INC. Address 4100 HONA ST, LIHUE, HI, 96766 Phone 808-246-0000
Date of Application 2/9/22 20____ Applicant Signature: [Signature]
Print Name: Colin Thompson

FOR OFFICIAL USE ONLY

Permit Fee: Excav. Cu. Yds. 38503 Fee Amount: \$ 15200.00 # 19742 Fee Received: \$ 15200.00
Fill Cu. Yds. 61575 By: [Signature] Date: 3/22/2022
Bond Required: \$ 152000.00 Bond Received \$ 152000.00 By: [Signature] Date: 3/22/22
Remarks TRAVELERS CASUALTY & SURETY CO. OF AMERICA, #1075A2532
Application Completed PAUL TEACKA Date 3/11 2022

To the Applicant:
Permission is hereby given to do the above work according to the conditions hereon and according to the approved plans and specifications pertaining thereto, subject to compliance with Ordinance No. 808
Remarks: _____

Contractor shall notify this office five calendar days before commencing any work and arrange for necessary inspectional services.

Issued By: Bryan Wienand
Date: 3/23/2022
[Signature]
For County Engineer, Department of Public Works

THIS PERMIT WILL EXPIRE IF WORK IS NOT STARTED WITHIN 6 MONTHS AFTER THE DATE OF ISSUANCE OR IF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 90 DAYS OR ONE YEAR AFTER THE DATE OF ISSUANCE.

I hereby certify that all work as requested above has been completed in conformity with Ordinance No. 808 and in accordance with the approved plans and specifications.

Date _____ 20____
Date _____ 20____ Approved By _____
Final Soil Report _____ Date Filed _____

APPLICATION NO. 22-0716

**COUNTY OF KAUAI
Department of Public Works
Engineering Division**

**APPLICATION FOR GRADING AND GRUBBING PERMIT
(Sediment and Erosion Control Ordinance No. 808)**

Name of Applicant: Colin Thompson
(If Applicant is not an individual, complete DPW-ENGR-Form A. If Applicant is not the Owner of the property, provide letter of authorization from the property owner.)

Tax Map Key: 4-2-8-14-32 Town/District Koloa

Name(s) and Street Address(es) of Owner(s):
5475 Pau a Laka LLC.
1801 Tiburoni Blvd. Ste. 800 Tiburoni, Ca. 94920

Signature of Owner or Applicant: [Signature]
Mailing Address: PO Box 384947 Waikoloa HI 96738

Telephone No. Home: 808-990-5603 Business: 808-990-5603 Fax: _____

State Purpose of Work: Mass Grading of a 23.76 acre site for 279 condo project

Notice to Applicant:

- (1) If your planned excavation or backfill is less than 100 Cubic Yards, does not alter the general drainage pattern to the detriment of the abutting properties, and does not exceed five (5) feet at its deepest height or depth, you are **not required to obtain a grading permit.**

- (2) If your planned excavation or backfill is more than 100 Cubic Yards but less than 150 Cubic Yards, does not alter the general drainage pattern of the abutting properties, and does not exceed five (5) feet at its deepest height or depth, in lieu of obtaining a grading permit, you are **required to fill and application for a Notice of Intent to grade and/or grub and obtain approval thereof from the Engineering Division.**
- (3) You are, however, required, by law, to incorporate Best Management Practices to the maximum extent practicable to prevent damages by sedimentation to streams, watercourses, natural areas and the property of others.
- (4) See the appropriate Engineering Division Personnel for guidelines on what Best Management Practices to employ and implement.

The Application shall be accompanied by four (4) sets of the following documents:

1. Grading, Sedimentation, and Erosion Control Plans drawn to a convenient engineering scale showing:
 - a. Vicinity Map and North arrow, property lot lines, easements, setback lines
 - b. Location of any building, structure, and improvements on the property where the work is to be performed and the location of any building or structure on adjacent land which is within fifteen (15) feet of the property to be graded.
 - c. Elevations showing the topography of the existing ground by contours of other means and extending fifteen (15) feet into the adjacent property.
 - d. Elevations showing the finished grading, the extent of the grading work or the grading limits.
 - e. The area in square feet of the land to be disturbed, and the quantities of excavation and fill involved and the method of calculation.
 - f. Best Management Practices to be used to control dust emissions, sedimentation, and erosion to the maximum extent practicable by watering with trucks or sprinklers, erection of dust fences, limiting the area of disturbance, and timely grassing of disturbed areas.

2. There shall be the following additional requirements for areas more than one (1) acre, grading in excess of 500 Cubic Yards, or where the average land slope is greater than twenty (20) percent:
 - a. Contour maps shall be stamped by a Professional Land Surveyor or Professional Civil Engineer currently licensed in the State of Hawai'i.
 - b. Grading and Sediment and Erosion Control plans shall be stamped by a Professional Civil Engineer currently licensed in the State of Hawai'i.
 - c. Where and area is to be graded in increments, plans for the future development of the area.
 - d. If the land is to be subdivided, the Applicant shall obtain tentative subdivision approval from the Planning Commission.
 - e. A schedule of construction operations to accomplish temporary and permanent erosion control work.
 - f. An Engineer's soils report as required by the provisions of the ordinance.

For DPW-ENGR USE Only. Do not write below this line.

This is to acknowledge receipt and acceptance of this application, including all the required supporting documents listed above.

Received by: Bryan Witt Date: 3/23/2022
Design and Permitting Section

County of Kauai
 Department of Public Works
 ENGINEERING DIVISION
 4444 Rice Street #175, Lihue, HI 96766

 Application Number 22-00000716 Date 4/18/22
 Property Address NONE
 Tax Map Key Number 2-8-014-032
 Application description . . . GRADING PERMIT APPLICATION
 Subdivision Name
 Property Use
 Property Zoning NOT APPLICABLE

COPY

Owner	Contractor
5425 PUA A LAKA LLC 1801 TIBURON BLVD STE 800 TIBURON CA 94920	EARTHWORKS PACIFIC INC PO BOX 1326 LIHUE HI 96766 (808) 246-8808

Other struct info	TYPE OF BOND	SURETY
	QUANTITY CU YDS	100078.00
	DESCRIPTION OF SOIL	SILTY CLAY
	LOT AREA SQ FT	1034986.00
	FILL MATERIAL	SILTY CLAY
	FILL CU YDS	61575.00
	EXISTING GROUND	SILTY CLAY
	EXCAV CU YDS	38503.00
	ENG PERMIT NO.	22-0716

 Permit GRADING/GRUBBING/STOCKPILING
 Additional desc . . GP# 22-0716 MG KA NOE O KOLOA
 Permit Fee 15200.00 Plan Review Fee00
 Issue Date 3/11/22 Valuation 0
 Expiration Date 3/11/23

Qty	Unit Charge	Per	Extension
		BASE FEE	15200.00

 Special Notes and Comments
 GP# 22-0716 GRADING PLANS FOR LOT-1 KA
 UA NOE O KOLOA

Fee summary	Charged	Paid	Due
Permit Fee Total	15200.00	15200.00	.00
Plan Review Total	.00	.00	.00
Grand Total	15200.00	15200.00	.00

Inspection type	Insp ID	Results	Date
10 GPIN GRADING PERMIT INSPECTION	_____	_____	___/___/___
20 GPPF GRADING PERMIT PRE FINAL	_____	_____	___/___/___
30 GPFI GRADING PERMIT FINAL	_____	_____	___/___/___

Application number : 22 00000716
 Property : NONE
 Cashier : PTOGIOK
 Receipt number, date, time. : 3/11/22 9:09:11
 Payment amount, type . . . : \$15200.00 CK CHECK
 Check number : 000001265

COPY

Fee

Cls	Type	Amt paid	Credited amt	Structure	Permit	Inspection
P	PF	15200.00	.00	000 000	GRAD 00	

Bottom

Press Enter to continue.

F3=Exit F12=Cancel

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

MP Financial Group, Ltd.
94-050 Farrington Hwy. Suite E1-3
Waipahu, HI 96797

BANK OF HAWAII
P.O. Box 71160
Honolulu, HI 96807
59-102/1213

1265

02/08/2022

COPY

PAY TO THE ORDER OF Director of Finance - County of Kaua'i

\$**15,200.00

Fifteen thousand two hundred and 00/100*****

DOLLARS

Director of Finance - County of Kaua'i
4444 Rice ST. Suite 275
Lihu'e, Hawaii 96766 USA

PROTECTED AGAINST FRAUD

MEMO Mass Grading Plans for Lot 88 Ka Ua Noe o KMloa

⑈001265⑈ ⑆121301028⑆0082⑈113932⑈

MP Financial Group, Ltd.

02/08/2022

Director of Finance - County of Kaua'i

1265

Date	Type	Reference	Original Amount	Balance Due	Payment
02/08/2022	Bill	TMK: (4) 2-8-014:032	15,200.00	15,200.00	15,200.00
		Check Amount			15,200.00

BoFH checking 3932 Mass Grading Plans for Lot 88 Ka Ua Noe o KMloa

15,200.00

County of Kauai
 Department of Public Works
 ENGINEERING DIVISION
 4444 Rice Street #175, Lihue, HI 96766

Application Number 22-00000716 Date 4/18/22
 Property Address NONE
 Tax Map Key Number 2-8-014-032
 Application description GRADING PERMIT APPLICATION
 Subdivision Name
 Property Use
 Property Zoning NOT APPLICABLE

COPY

Owner	Contractor
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Other struct info	TYPE OF BOND	SURETY
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	DESCRIPTION OF SOIL	SILTY CLAY
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	FILL MATERIAL	SILTY CLAY
	FILL CU YDS	61575.00
	EXISTING GROUND	SILTY CLAY
	EXCAV CU YDS	38503.00
	ENG PERMIT NO.	22-0716

Permit	GRADING/GRUBBING/STOCKPILING	
Additional desc	GP#22-0716 MG KAUA NOE O KOLOA	
Permit Fee	1520000.00	Plan Review Fee00
Issue Date	3/11/22	Valuation 0
Expiration Date	3/11/23	

Qty	Unit Charge	Per	Extension
		BASE FEE	1520000.00

Special Notes and Comments
 GP# 22-0716 GRADING PLANS FOR LOT-1 KA
 UA NOE O KOLOA

Fee summary	Charged	Paid	Due
Permit Fee Total	1520000.00	1520000.00	.00
Plan Review Total	.00	.00	.00
Grand Total	1520000.00	1520000.00	.00

Application number : 22 00000716
 Property : NONE
 Cashier : PTOGIOK
 Receipt number, date, time : 3/11/22 9:15:04
 Payment amount, type : \$1520000.00 SB SURETY
 Check number : 000000000

COPY

Fee

Cls	Type	Amt paid	Credited amt	Structure	Permit	Inspection
P	PF	1520000.00	.00	000 000	GBON 00	

Bottom

Press Enter to continue.

F3=Exit F12=Cancel

BOND

COPY

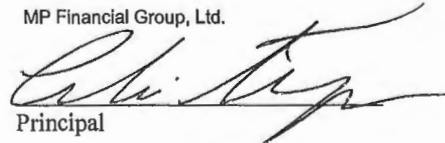
KNOW ALL MEN BY THESE PRESENTS:

That MP Financial Group, Ltd., as Principal, and Travelers Casualty and Surety Company of America a Corporation duly organized under the laws of the State of Connecticut, as Surety, are held and firmly bound unto the COUNTY OF KAUA'I, a political subdivision of the State of Hawai'i, its successors or assigns, in the full and just sum of One Million Five Hundred Twenty Thousand and 00/100 DOLLARS (\$ 1,520,000.00), legal tender, for the payment of which to the said COUNTY OF KAUA'I, its successors or assigns, jointly and severally, firmly by these present.

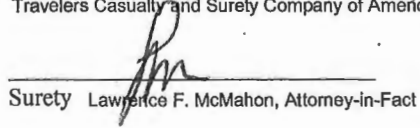
WITNESS THEIR HANDS AND SEALS AS OF THIS 7th day of February, 2022.

The condition of this obligation is such that if the above bounden principal shall fully and faithfully perform and fulfill all of the conditions of the certain grading, grubbing, or stockpiling permit no. _____ dated as of the _____ day of _____, 20_____, issued by the COUNTY OF KAUA'I, and perform the works as described therein, and shall promptly pay all such claims for labor and materials used in accomplishing said work as specified in said permit and shall fulfill to the satisfaction of the COUNTY OF KAUA'I, all the terms and conditions of Ordinance No. 808 of the COUNTY OF KAUA'I, the provisions of which are incorporated herein by reference and made a part of the conditions of this Bond for all purposes, then upon the expiration of 30 days after the date of completion of the work thereof, this obligation shall be void; otherwise it shall be and remain in full force and virtue.

MP Financial Group, Ltd.


Principal

Travelers Casualty and Surety Company of America


Surety Lawrence F. McMahon, Attorney-in-Fact

Acknowledgement

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT Civil Code § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

County of San Diego

COPY

On FEB 07 2022 before me, Sarah Myers, Notary Public,
Date Insert Name of Notary exactly as it appears on the official seal

personally appeared Lawrence F. McMahon
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(~~is~~) whose name(~~is~~) is/~~is~~ subscribed to the within instrument and acknowledged to me that he/~~she/it~~ executed the same in his/~~her/its~~ authorized capacity(~~ies~~), and that by his/~~her/its~~ signature(~~s~~) on the instrument the person(~~is~~), or the entity upon behalf of which the person(~~is~~) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature [Signature]
Signature of Notary Public Sarah Myers

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of the form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing:
Surety Company

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer is Representing:



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **LAWRENCE F MCMAHON** of **SAN DIEGO**, California, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of April, 2021.



COPY

State of Connecticut

City of Hartford ss.

By:
Robert L. Raney, Senior Vice President

On this the **21st** day of April, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of June, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **7th** day of February, 2022



Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.**

5424 Pau a Laka, LLC
1801 Tiburon Blvd. Ste 800
Tiburon, CA 94920

February 10, 2022

To: Kauai County Planning Department
4444 Rice Street., Ste A473
Lihue, Hawaii 96766

**RE: AUTHORIZED AGENT FOR KAUANOE o KOLOA PROJECT IN POIPU
COUNTY BUILDING PERMITS**

To Whom It May Concern:

Please be advised that I authorize Colin Thompson to act and sign on my behalf in handling county permit processing and obtaining building permits for 5424 Pau a Laka, LLC. Owner of Kauanoë o Koloa Project in Poipu.

I certify that I am the owner of the property for which the permit is to be issued.

Sincerely,



Gary Pinkston
Owner/President
5424 Pau a Laka, LLC